

Dec 11, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SUSANNE A. WAHLQUIST,

Plaintiff,

v.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE
COMPANY, a Foreign Auto Insurance
Company,

Defendant.

No. 2:18-CV-00037-SMJ

**ORDER GRANTING
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY
JUDGMENT**

Before the Court, without oral argument, is Defendant State Farm Mutual Automobile Insurance Company's Motion for Partial Summary Judgment, ECF No. 27. Having reviewed the pleadings and the file in this matter, and without need for Defendant's reply brief, the Court grants the motion.

Plaintiff Susanne A. Wahlquist brought five claims against Defendant in the Chelan County Superior Court: (1) breach of contract; (2) violation of the Consumer Protection Act ("CPA"); (3) bad faith; (4) violation of the Insurance Fair Conduct Act; and (5) enforcement of insurance policy. ECF No. 1. Defendant removed the action to federal court on January 31, 2018. *Id.* It now moves for summary judgment on Plaintiff's CPA claim and requests that the Court prohibit any action taken by

1 Defendant in defense of the state claim and thereafter from forming the basis for
2 Plaintiff's extracontractual claims. ECF No. 27.

3 Plaintiff responded on December 10, 2018. ECF No. 30. Plaintiff does not
4 object to dismissal of her CPA claim in order to "narrow the scope of this litigation
5 and the redundancy of the remedies available." *Id.* at 2. She also does not object to
6 Defendant's request, which she construes as a motion *in limine*. *Id.* at 2–3.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 **1.** Defendant State Farm Mutual Automobile Insurance Company's
9 Motion for Partial Summary Judgment, **ECF No. 27**, is **GRANTED**.

10 **2.** The Clerk's Office is **DIRECTED** to **ENTER** declaratory judgment:
11 Plaintiff may not rely on post-litigation conduct to form the basis of
12 her extracontractual claims. Post-litigation conduct includes
13 Defendant's successful opposition to Plaintiff's motion to place this
14 matter in mandatory arbitration when the case was in the Chelan
15 County Superior Court, and Defendant's unopposed removal of the
16 suit to this Court after Plaintiff amended her Complaint.


17 **3.** The Clerk's Office is **DIRECTED** to **ENTER** judgment in favor of
18 Defendant on Plaintiff's Consumer Protection Act claim.

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1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
2 provide copies to all counsel.

3 **DATED** this 11th day of December 2018.

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6 SALVADOR MENDOZA, JR.
7 United States District Judge
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